

## UNITED STATES DISTRICT COURT

for the

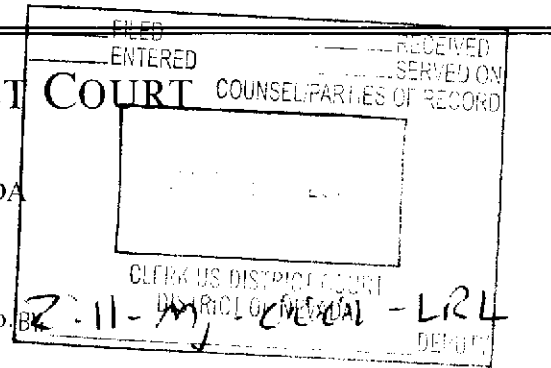
DISTRICT OF NEVADA

United States of America )

v. )

Andre Nestor )

Defendant )

Case No. 2:11-MJ-CR-00022-LRL**DEFENDANT'S APPEARANCE BOND**

To obtain the defendant's release, we jointly and severally agree to forfeit the following cash or other property to the United States of America if this defendant fails to appear as required for any court proceeding or for the service of any sentence imposed as may be noticed or ordered by any court, or fails to comply with any conditions of release set by the court considering this matter (*describe the cash or other property and any claim, lien, mortgage, or other encumbrance on it*):

**Ownership.** We declare under penalty of perjury that we are the sole owners of this property and that it is not subject to any claim, lien, mortgage, or other encumbrance except as disclosed above. We promise not to sell, mortgage, or otherwise encumber the property, or do anything to reduce its value while this agreement is in effect. We deposit with the court the following ownership documents, including any encumbrance documents (*list all documents and submit as attachments*):

**Surety Information.** We understand that the court and the United States of America will rely on the surety information in approving this agreement.

**Conditions of Release.** We state that we have either read all court-ordered conditions of release imposed on the defendant or had them explained to us.

**Continuing Agreement.** Unless the court orders otherwise, this agreement remains in effect during any appeal or other review until the defendant has satisfied all court notices, orders, and conditions.

**Exoneration of sureties.** This agreement is satisfied and ends if the defendant is exonerated on all charges or, if convicted, the defendant reports to serve any sentence imposed.

**Forfeiture.** If the defendant fails to obey all conditions of release, court notices, and orders to appear, the court will immediately order the property forfeited and on motion of the United States of America may order a judgment of forfeiture against the signing parties and their representatives, jointly and severally, including interest and costs.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

AO 98 (Rev. 01/09) Defendant's Appearance Bond

I swear under penalty of perjury that the above information is true and agree to the conditions of this agreement.

Date: 1/18/2011Andre M. Mester

Defendant's signature

City and state: Pittsburgh PA / Los Angeles CA\_\_\_\_\_  
Property owner's printed name\_\_\_\_\_  
Property owner's signature\_\_\_\_\_  
Property owner's printed name\_\_\_\_\_  
Property owner's signature\_\_\_\_\_  
Property owner's printed name\_\_\_\_\_  
Property owner's signature

Sworn and signed before me.

Date: 1/18/11

CLERK OF COURT

Jeff Mester

Signature of Clerk or Deputy Clerk

Approved.

Date: 1/18/11Teggy A. Dean

Judge's signature

**UNITED STATES DISTRICT COURT**  
for the  
**DISTRICT OF NEVADA**

United States of America

v.

Andre Nestor  
Defendant

Case No. 2:11-MJ-0001-LRL

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified)

AS ORDERED

Place

on

AS ORDERED

Date and Time

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released on condition that:

- ( ☒ ) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- ( ☐ ) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_ ) in the event of a failure to appear as required or surrender to serve any sentence imposed.

NAME: Andre Nestor

## ADDITIONAL CONDITIONS OF RELEASE

CASE # 2:11-mj-0001-LRL

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (7) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. (only if above is an organization) \_\_\_\_\_

who agree (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

Date

(X) (8) The defendant must:

(X) (a) report to the U.S. Pretrial Services Office 702-464-5630 ( ) U.S. Probation Office (702)-388-6428  
no later than \_\_\_\_\_ ( ) Conditions Previously Imposed

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_

( ) (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum \_\_\_\_\_

( ) (d) execute a bail bond with solvent sureties in the amount of \_\_\_\_\_

( ) (e) maintain or actively seek employment and notify Pretrial Services prior to any change.

( ) (f) maintain or commence an education program.

( ) (g) surrender any passport to: \_\_\_\_\_

( ) (h) obtain no passport.

( ) (i) abide by the following restrictions on personal association, place of abode, or ( ) CLARK COUNTY, NV ( ) STATE OF  
( ) CONTINENTAL U.S.A. ( ) FOR COURT PURPOSES ONLY ( ) SEE NEXT PAGE FOR FURTHER RESTRICTIONS

( ) (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: \_\_\_\_\_

( ) Prohibited from any contact with juveniles.

( ) (k) undergo medical or psychiatric \_\_\_\_\_

( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer

( ) (l) return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day \_\_\_\_\_ o'clock for  
schooling, or the following purpose(s): \_\_\_\_\_

( ) (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

( ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( ) (o) refrain from ( ) any ( ) excessive use of alcohol. ( ) Not be in the presence of anyone using/possessing alcohol.

( ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. ( ) Not be in the presence of anyone using or possessing a narcotic drug or other controlled substances

( ) (q) Initial Urinalysis, if positive then ( ) "p" ( ) "r" ( ) "s" applies.

( ) (r) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

( ) (s) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable. ( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

( ) (t) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services office or officer instructs.

( ) (i) Curfew. You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or

( ) (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (u) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

( ) (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

( ) (ii) Radio Frequency (RF) monitoring;

( ) (iii) Passive Global Positioning Satellite (GPS) monitoring;

( ) (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

( ) (v) Voice Recognition monitoring.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

Revised by USDC/NV 9/9/09 to include our court's own special conditions

**ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT: Andre NestorCASE: 2:11-MJ-0001-LRL**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Andre M Nestor

Defendant's Signature

Pittsburgh PA / Las Vegas NV

City and State

**Directions to the United States Marshal**

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 1/18/11Peggy A. Leen

Judicial Officer's Signature

Peggy Leen, U.S. Magistrate Judge

Printed name and title